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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,411	04/19/2004	Daniel F. Alexander	60,298-522; 269	2602

26096 7590 02/06/2007  
CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

EXAMINER
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TRIEU, THERESA

ART UNIT	PAPER NUMBER
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3748

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/827,411

Applicant(s)

ALEXANDER ET AL.

Examiner

Theresa Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Nov. 7, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 11-14, 16-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 19, 21-23 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is responsive to the applicants' amendment filed on Nov. 7, 2006.

Claims 1, 6, 11, 14, 16, 18, 19 and 20 have been amended. Claim 15 has been canceled. Claims 22-25 have been added. Accordingly, claims 1-14 and 16-25 are pending in this application.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5, 7-10, 19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Narasipura et al. (Narasipura)(Patent Number 6,749,412).

Regarding claims 1-4, as shown in Figs. 3 and 8, Narasipura discloses a scroll compressor comprising: a sealed housing; a first and second scroll members (100, 100b) having a first/second base and a first/second generally spiral wraps extending from the first/second base (not numbered; however, clearly seen in Fig. 8), a discharge pressure chamber on a first side of the first base and a suction pressure chamber on a second side of the first base; the wraps of the first and second scroll members (100, 100b) interfitting to define compression chambers; a motor (see Fig. 8) for driving the second scroll member to orbit relative to the first scroll member; a valve (101) for controlling the communication of gas between the compression chambers and the

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discharge pressure chamber, the valve (101) disposed in a valve chamber of the first scroll member; and a valve retainer (300) including a snap fit connector (120, 112) mounts the valve retainer (300) to the first scroll member (100), the snap fit connector flexible between a disengaged position wherein the valve retainer is disengaged from the first scroll member and an engaged position wherein the valve retainer is engaged to the first scroll member in response to contacting a valve chamber rim (107, see Fig. 3) of the valve chamber; the snap fit connector (120, 112) comprising an opening (112) and a protrusion (120) the protrusion disposed in the opening when in the engaged position and the protrusion out of the opening when in the disengaged position; the opening comprises a groove (112) and the protrusion comprises a ridge sized to be received by the groove; the groove (112) being disposed on the valve chamber and the ridge (120) being disposed on the valve retainer (300).

Regarding claims 5, 7-10 and 21-23, Narasipura discloses the valve retainer (300) has a body spaced from a valve chamber bottom of the valve chamber, the valve spaced between the body and the valve chamber bottom; the body having at least one leg (not numbered; however, clearly seen in Fig. 3), the leg extending between the body and the valve chamber bottom; the body having at least one leg, the leg extending from the body towards a valve chamber rim (not numbered; however, clearly seen in Fig. 3); the leg comprising a portion of the snap fit connector; the valve retainer (300) having a discharge opening (109) for communicating gas from the valve chamber to the discharge pressure chamber; at least a portion of the snap fit connector (120, 112) contacting the valve; the valve retainer (300) including a plurality of legs disposed circumferentially about the valve retainer; a discharge opening (109) being defined between each of said plurality of legs and a rim of said valve chamber.

Regarding claim 19, as shown in Figs. 3 and 8, Narasipura discloses a method of retaining a valve for a compressor: disposing a valve (101) in a valve chamber of a non-orbiting scroll (100); positioning a valve retainer (300) relative to the valve chamber; and flexing a portion of the valve retainer (300) between a disengaged position and an engaged position in response to contacting the a valve chamber rim (107, see in Fig. 3) of the valve chamber, the engaged position in which the valve retainer (300) is engaged to the non-orbiting scroll and the disengaged position in which the valve retainer is disengaged from the non-orbiting scroll (see col.3, line 25-42).

***Allowable Subject Matter***

2. Claims 6, 11-14, 16-18 and 20 allowed.
3. Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicants' arguments filed on Nov.7, 2006 have been fully considered but they are not persuasive as set forth in the rejection above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT  
January 30, 2007

  
Theresa Trieu  
Primary Examiner  
Art Unit 3748